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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	FROM: Kent J. Sieffert
COMPANY: USPTO-Amendments	DATE: JULY 28, 2005
FAX NUMBER: 571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: 1017-015US01
RE: Response to Restriction	APPLICATION SERIAL NUMBER: 09/927,920

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ruth C. Kimmelshue; Confirmation No. 5176
Mark Nelson; Brad
Hildebrand; Chris Ludwig

Serial No.: 09/927,920

Filed: August 10, 2001 Customer No.: 28863

Examiner: Sarah R. Gedrich

Group Art Unit: 3625

Docket No.: 1017-015US01

Title: PRODUCT IDENTITY PRESERVATION AND TRACING

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CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on July 28, 2005.

By: 
Name: Karen Sorensen

MAIL STOP Amendments
Commissioner for Patents
Alexandria, VA 22313-1450

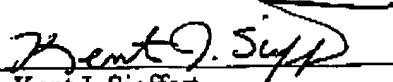
Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Facsimile
- ☒ Response to Restriction Requirement (2 pgs.)
- ☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: July 28, 2005

By: 
Name: Kent J. Sieffert
Reg. No.: 41,312

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This response is to the Office Action mailed June 28, 2005. Claims 1-87 have been restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-15, 52-60, 68-78, and 81-83, drawn to methods and a computer readable medium for tracing and recalling product lots which defines and monitors, classified in class 705, subclass 26
- II. Claims 16-51, drawn to methods of tracing and recalling product lots which define tracking programs and delivers certification documents, classified in class 705, subclass 28.
- III. Claims 61-67, 79, and 80, drawn to a computer readable medium and systems for Generating tracing information, classified in class 705, subclass 28.

- IV. Claims 84-87, drawn to systems for tracking a product lot, which includes defining a tracking program, classified in class 705, subclass 28.

Applicants hereby elect Group I with traverse. According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); and (B) there must be a serious burden on the examiner if restriction is required (emphasis added).

In the Office Action, the Examiner asserted that Inventions I and II are sub-combinations; Inventions I and II are related as process and apparatus; and inventions I and IV are related as process and apparatus for its practice. However, the Examiner failed to recognize that many of the elements of the dependent claims are substantially similar. Although the independent claims of the Inventions differ greatly in scope, there is no serious burden on the Examiner with respect to examination of claims 1-87, and the restriction should be withdrawn.

Date:

July 28, 2005

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